

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: Request for a rear yard setback variance from 7.5 feet to 6 feet for an existing pool screen enclosure in PUD (Planned Unit Development District)

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Kathy Fall **CONTACT:** Denny Gibbs **EXT.** 7387

Agenda Date July 24, 2006 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **APPROVE** the request for a rear yard setback variance from 7.5 feet to 6 feet for an existing pool screen enclosure in PUD (Planned Unit Development District); or
2. **DENY** the request for a rear yard setback variance from 7.5 feet to 6 feet for an existing pool screen enclosure in PUD (Planned Unit Development District); or
3. **CONTINUE** the request to a time and date certain.

GENERAL INFORMATION	Applicant: Owner at application: Current Owner: Location: Zoning: Subdivision:	Holland Pools Buckingham-Lake Mary LP Enrique & Olga Vera 6233 Hedgesparrows Lane PUD Buckingham Estates Phases 3 & 4
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant has constructed a pool screen enclosure that encroaches 1.5 feet into the required 7.5 feet rear yard setback. • The applicant has submitted a Building Permit application for this screen enclosure BP #06-3802. • There are currently no code enforcement or building violations for this property. 	

	<ul style="list-style-type: none">• There is no record of prior variances for this property.
STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant. <i>The applicant erected the screen enclosure prior to an approval for a variance from the required setback.</i>• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance granted is the minimum variance that will make possible reasonable use of the land, building or structure. <i>The applicant could have constructed the pool and screen enclosure within the established rear yard setback.</i>• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<ul style="list-style-type: none">• Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate a hardship. If the board should decide to grant a variance, staff recommends the following conditions of approval:• Any variance granted shall apply only to the pool screen enclosure as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the board, based on information presented at the public hearing.

COMMISSION DISTRICT #: 5

GUI
PROJ. #

ZONED: PUD

SEC: 36

TWP: 19

RNG: 29

DEVELOPMENT:		Buckingham Estates Ph 1,2,&3		DEVELOPER:		Karen Spillina, Eng. Homes	
LOCATION:		Markham Road West off of Orange Boulevard					
DEVEL. ORDER #:		00-21000004		TAX PAR. I.D. #:			
SIDEWALKS: Required				SETBACK REQUIREMENTS			
				FY:	20'	SST:	15'
ROAD TYPE: (CURB & GUTTER OR SWALE)				MAIN STRUCTURE OTHER:			
COMMENTS OTHER: (Phase 1)Plant/retain 2 trees, 8' high, 2" caliper min. prior to C.O. (Phase 2)50% of existing trees must be retained on each lot. An arbor permit is required with each building permit. Plant /retain 4 trees, 8' high, 3" caliper min. prior to C.O.				ACCESSORY STRUCTURE SETBACKS:			
				CORNER LOTS: The accessory structure may not be located closer to the property line than the establishe SFR			
				SY:	10'	RY:	10'
				ACCESSORY STRUCTURE OTHER:			
				Pool & pool screen enclosure			
				SY: 7.5 RY:7.5'			

IMPACT FEES	
TRAFFIC ZONE:	003
LAND USE:	
1. ROAD-CO. WIDE	ord
2. ROAD-COLL.	ord
3. LIBRARY	ord
4. FIRE	ord
5. PARK	N/A
6. SCHOOL	ord
7. LAW	N/A
TOTAL	\$2457.00
REMARKS:	

COMMITMENT CARD

Instructions: print two-sided on card stock and cut along the left and bottom border.



SEMINOLE COUNTY PLANNING & DEVELOPMENT DEPARTMENT
PLANNING DIVISION
1101 EAST FIRST STREET
SANFORD, FL 32771
(407) 665-7444 PHONE (407) 665-7385 FAX

COPY

RECEIVED MAY 18 2006

APPL. NO. BU 2006-093

APPLICATION TO THE SEMINOLE COUNTY BOARD OF ADJUSTMENT

Applications to the Seminole County Board of Adjustment shall include all applicable items listed in the Board of Adjustment Process Checklist. No application will be scheduled for Board of Adjustment consideration until a complete application (including all information requested below) has been received by the Planning & Development Department, Planning Division. Applications for SPECIAL EXCEPTION shall only be received for processing following pre-application conference.

☒ **VARIANCE** Proposed Pool Screen Setback From 7.5' to 6' in rear

☐ **SPECIAL EXCEPTION**

☐ **LIMITED USE**

- ☐ SF DWELLING UNDER CONSTRUCTION ☐ MEDICAL HARDSHIP
☐ NIGHT WATCHMAN ☐ FAMILY HARDSHIP
☐ YEAR OF MOBILE HOME / RV (EXISTING _____) (PROPOSED _____)
☐ SIZE OF MOBILE HOME / RV _____ ☐ TIME NEEDED _____
☐ PLAN TO BUILD ☐ YES ☐ NO IF SO, WHEN _____

☐ **APPEAL FROM DECISION OF THE PLANNING MANAGER**

PROPERTY OWNER		AUTHORIZED AGENT *
NAME	Buckingham-Lake Mary LP	Holland Pools
ADDRESS	16133 Ventura Blvd Ste 1400	115 West Pine Ave.
	Encino Ca. 91436	Longwood, FL 32750
PHONE 1	(407) 830-5327 Ext. 109	(407) 830-5327
PHONE 2	(321) 229-5526	(321) 229-5529
E-MAIL	Poolmark100@yahoo.com	Poolmark100@yahoo.com

PROJECT NAME: Buckingham Estates Lot 297 MARK Shaughnessy

SITE ADDRESS: 6233 Hedge Sparrows Lane

CURRENT USE OF PROPERTY: Residence

LEGAL DESCRIPTION: Lot 297 Buckingham Estates Phase 3 L4 PB 65 PGS 65-68
6233 Hedgesparrows Lane Sanford FL 32771

SIZE OF PROPERTY: _____ acre(s) PARCEL I.D. 35-19-29-SRN-0000-2970

UTILITIES: ☐ WATER ☐ WELL ☒ SEWER ☐ SEPTIC TANK ☐ OTHER _____

KNOWN CODE ENFORCEMENT VIOLATIONS _____

IS PROPERTY ACCESSIBLE FOR INSPECTION ☒ YES ☐ NO

This request will be considered at the Board of Adjustment regular meeting on 7, 24, 06
(mo/day/yr), in the Board Chambers (Room 1028) at 6:00 p.m. on the first floor of the Seminole County Services Building, located at 1101 East First Street in downtown Sanford, FL.

I hereby affirm that all statements, proposals, and/or plans submitted with or contained within this application are true and correct to the best of my knowledge.

Mark Shaughnessy
SIGNATURE OF OWNER OR AGENT *

5-16-06
DATE

ADDITIONAL VARIANCES

VARIANCE 2:

VARIANCE 3:

VARIANCE 4:

VARIANCE 5:

VARIANCE 6:

VARIANCE 7:

APPEAL FROM BOA DECISION TO BCC

APPELLANT INFORMATION

NAME

ADDRESS

PHONE 1

PHONE 2

E-MAIL

NATURE OF THE APPEAL

APPELLANT SIGNATURE

FOR OFFICE USE ONLY

PROCESSING:

FEE(S): 150.00

COMMISSION DISTRICT

FLU/ZONING

PUD/PO

BCC HEARING DATE (FOR APPEAL)

LOCATION FURTHER DESCRIBED AS

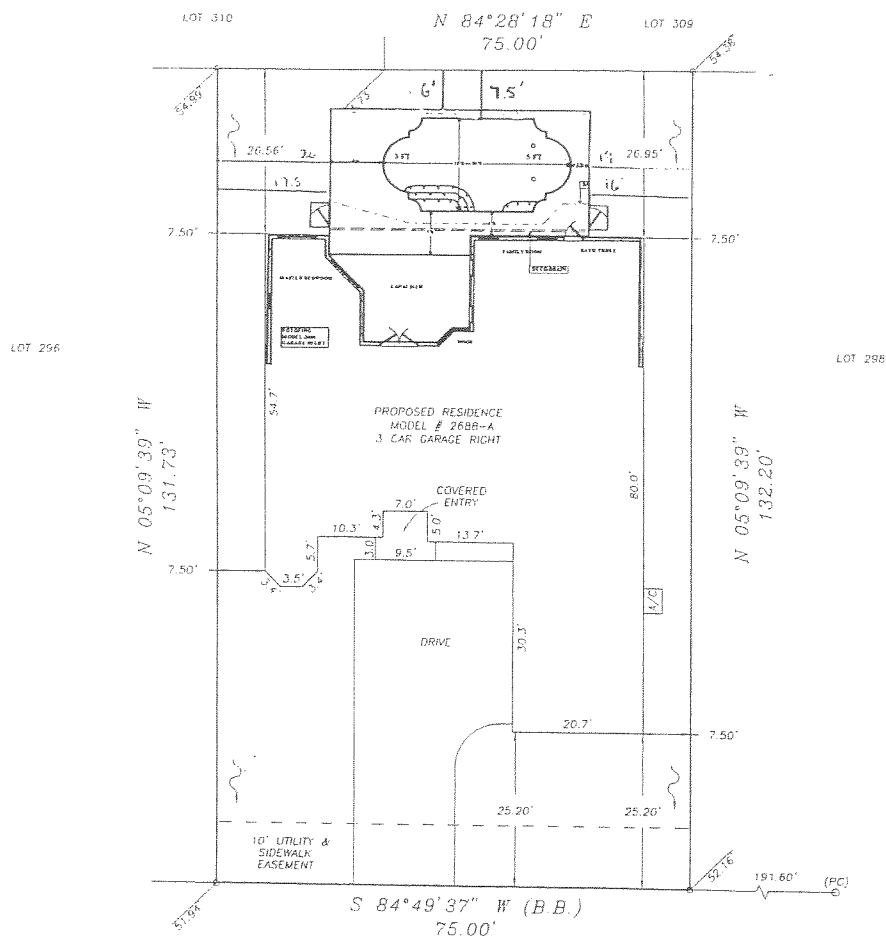
PLANNING ADVISOR

KF/check commitment card

DATE

SUFFICIENCY COMMENTS

PLOT PLAN FOR/CERTIFIED TO: Engineered Homes



HEDGESPARROWS
LANE
(40' R/W)
TRACT "A"

BUILDING SETBACKS (PER CLIENT)

FRONT = 25'
REAR = 15'
SIDE = 7.5'
STREET SIDE = 15'

~~PROPOSED~~

PROPOSED = FINISHED SPOT GRADE ELEVATION
PER DRAINAGE PLANS
✓ = PROPOSED DRAINAGE FLOW
LOT GRADING TYPE "A"
PROPOSED F.F. PER PLANS = 35.30'

TOTAL LOT SQUARE FOOTAGE: 9,897± SQUARE FEET
TOTAL IMPERVIOUS AREA: 4,727± SQUARE FEET

PLOT PLAN ONLY
(NOT A SURVEY)

GRUSENMEYER-SCOTT & ASSOC., INC. - LAND SURVEYORS

5400 E. COLONIAL DR. ORLANDO, FL 32807 (407)-277-3232 FAX (407)-656-1436

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM FLORIDA STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 117-03, FLORIDA ADMINISTRATIVE CODE, AND IS NOT SUBJECT TO ANY OTHER STATUTES.

UNLESS ENCLOSED WITH THIS SURVEY IS A SEAL, THIS SURVEY IS NOT VALID AND IS PRESENTED FOR INFORMATIONAL PURPOSES ONLY.

THIS SURVEY WAS PREPARED FROM TITLE INFORMATION FURNISHED TO THE SURVEYOR. THERE MAY BE OTHER RESTRICTIONS ON THIS SURVEY THAT ARE NOT LISTED HEREON.

ALL UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.

THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CERTIFIED TO AND SHOULD NOT BE RELIED UPON BY ANY OTHER ENTITY.

BOUNDARY CORRECTIONS OR CHANGES TO THIS SURVEY HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINE READINGS ARE BASED ASSUMED DATA AND ON THE LINES SHOWN.

ELEVATIONS, IF SHOWN, ARE BASED ON NATIONAL GEOIDETIC VERTICAL DATUM OF 1989. UNLESS OTHERWISE NOTED:

CERTIFICATE OF ACCURACY

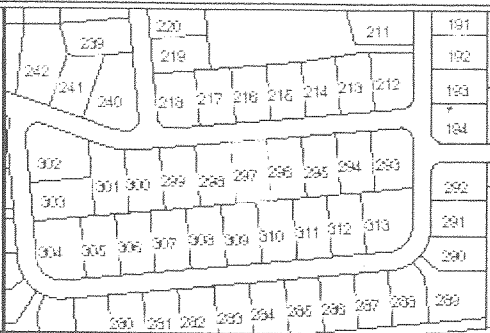

CERTIFIED BY

TOM X. GRUSENMEYER, R.L.S. # 4801
JAMES W. SCOTT, R.L.S. # 4801
VERNON H. BERRY JR., R.L.S. # 6262

SCALE 1" = 20' DRAWN BY
DATE
PLOT PLAN 5-10-05

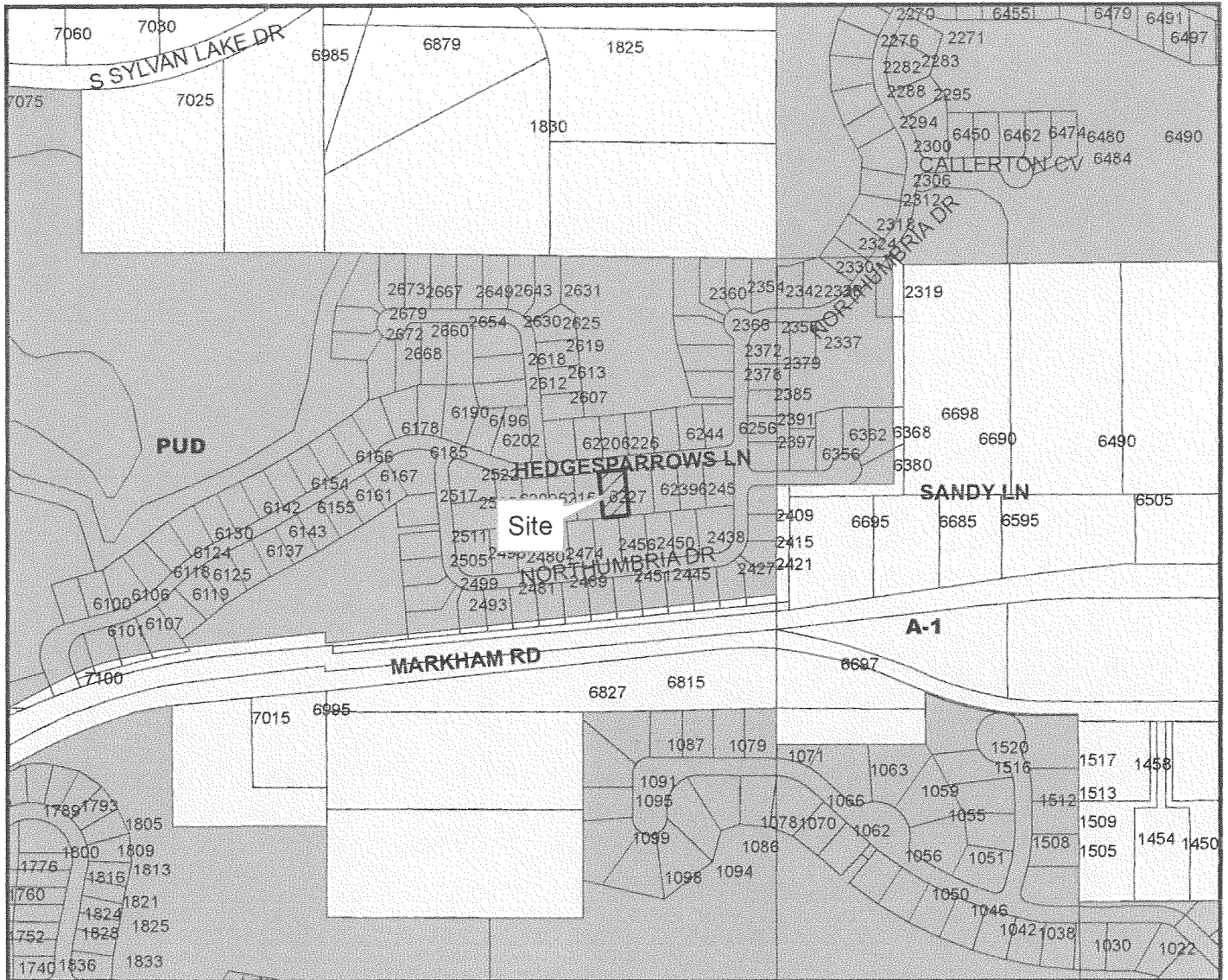
ORDER NO.
6744-02

THIS BUILDING/PROPERTY DOES NOT LIE WITHIN
THE ESTABLISHED 100 YEAR FLOOD PLANE AS PER "FIRM"
ZONE "X" PANEL # 120285 D020 E (04-17-85)

PARCEL DETAIL DAVID JOHNSON, CFA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL 1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506																				
GENERAL Parcel Id: 35-19-29-5RN-0000-2970 Owner: BUCKINGHAM-LAKE MARY LP Own/Addr: C/O HEARTHSTONE Mailing Address: 16133 VENTURA BLVD STE 1400 City,State,ZipCode: ENCINO CA 91436 Property Address: 6233 HEDGESPARROWS LN SANFORD 32771 Subdivision Name: BUCKINGHAM ESTATES PH 3 AND 4 Tax District: 01-COUNTY-TX DIST 1 Exemptions: Dor: 00-VACANT RESIDENTIAL		2006 WORKING VALUE SUMMARY Value Method: Market Number of Buildings: 0 Depreciated Bldg Value: \$0 Depreciated EXFT Value: \$0 Land Value (Market): \$60,000 Land Value Ag: \$0 Just/Market Value: \$60,000 Assessed Value (SOH): \$60,000 Exempt Value: \$0 Taxable Value: \$60,000 Tax Estimator																		
SALES Deed Date Book Page Amount Vac/Imp Qualified Find Comparable Sales within this Subdivision		2005 VALUE SUMMARY 2005 Tax Bill Amount: \$852 2005 Taxable Value: \$52,000 DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS																		
<table border="1"> <thead> <tr> <th colspan="6">LAND</th> </tr> <tr> <th>Land Assess Method</th> <th>Frontage</th> <th>Depth</th> <th>Land Units</th> <th>Unit Price</th> <th>Land Value</th> </tr> </thead> <tbody> <tr> <td>LOT</td> <td>0</td> <td>0</td> <td>1.000</td> <td>60,000.00</td> <td>\$60,000</td> </tr> </tbody> </table>		LAND						Land Assess Method	Frontage	Depth	Land Units	Unit Price	Land Value	LOT	0	0	1.000	60,000.00	\$60,000	LEGAL DESCRIPTION PLATS: <input type="text" value="Pick..."/> LOT 297 BUCKINGHAM ESTATES PHASES 3 AND 4 PB 65 PGS 65 - 68
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


<p>DAVID JOHNSON, CFA, ASA</p> <p>PROPERTY APPRAISER</p> <p>SEMINOLE COUNTY FL</p> <p>1101 E. FIRST ST SANFORD, FL 32771-1468 407-665-7506</p>																								
<p align="center">GENERAL</p> <p>Parcel Id: 35-19-29-5RN-0000-2970</p> <p>Owner: VERA ENRIQUE & OLGA</p> <p>Mailing Address: 767 SHETLAND LN</p> <p>City,State,ZipCode: RIDGEFIELD NJ 07657</p> <p>Property Address: 6233 HEDGESPARROWS LN SANFORD 32771</p> <p>Subdivision Name: BUCKINGHAM ESTATES PH 3 AND 4</p> <p>Tax District: 01-COUNTY-TX DIST 1</p> <p>Exemptions:</p> <p>Dor: 00-VACANT RESIDENTIAL</p>		<p align="center">2006 WORKING VALUE SUMMARY</p> <table border="0"> <tr> <td>Value Method:</td> <td align="right">Market</td> </tr> <tr> <td>Number of Buildings:</td> <td align="right">0</td> </tr> <tr> <td>Depreciated Bldg Value:</td> <td align="right">\$0</td> </tr> <tr> <td>Depreciated EXFT Value:</td> <td align="right">\$0</td> </tr> <tr> <td>Land Value (Market):</td> <td align="right">\$60,000</td> </tr> <tr> <td>Land Value Ag:</td> <td align="right">\$0</td> </tr> <tr> <td>Just/Market Value:</td> <td align="right">\$60,000</td> </tr> <tr> <td>Assessed Value (SOH):</td> <td align="right">\$60,000</td> </tr> <tr> <td>Exempt Value:</td> <td align="right">\$0</td> </tr> <tr> <td>Taxable Value:</td> <td align="right">\$60,000</td> </tr> <tr> <td colspan="2">Tax Estimator</td> </tr> </table>	Value Method:	Market	Number of Buildings:	0	Depreciated Bldg Value:	\$0	Depreciated EXFT Value:	\$0	Land Value (Market):	\$60,000	Land Value Ag:	\$0	Just/Market Value:	\$60,000	Assessed Value (SOH):	\$60,000	Exempt Value:	\$0	Taxable Value:	\$60,000	Tax Estimator	
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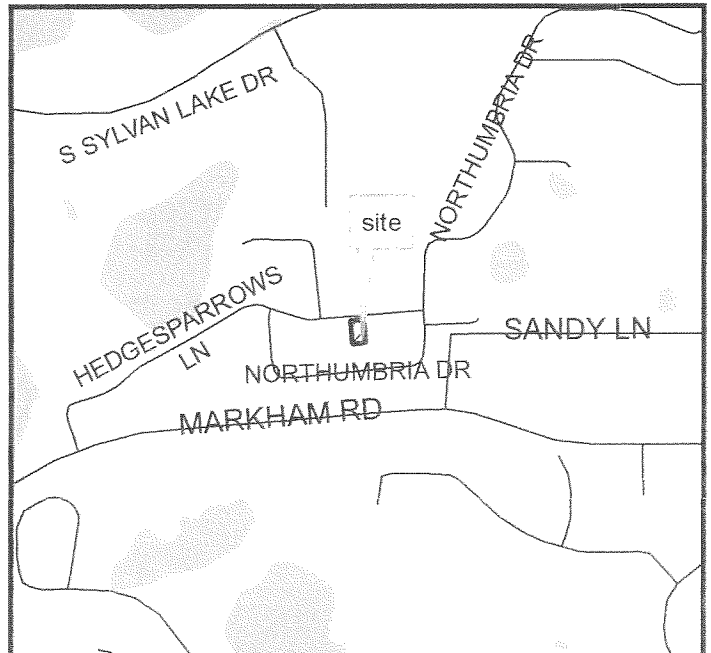
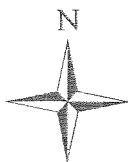
Holland Pools
6233 HedgeSparrows Lane
Sanford, FL 32771



Seminole County Board of Adjustment
July 24, 2006
Case: BV2006-093
Parcel No: 35-19-29-5RN-0000-2970

Zoning

-  BV2006-093
-  A-1
-  R-1AA
-  PUD



SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On July 24, 2006 Seminole County issued this Development Order relating to and touching and concerning the following described property:

Lot 297 Buckingham Estates Phases 3 and 4 PB 65 PGS 65 - 68

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Enrique & Olga Vera
767 Shetland Ln
Ridgefield Nj 07657

Project Name: Hedgesparrows Lane (6233)

Requested Development Approval:

Request for a rear yard setback variance from 7.5 feet to 6 feet for an existing pool screen enclosure in PUD (Planned Unit Development District)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Denny Gibbs, Senior Planner
1101 East First Street
Sanford, Florida 32771

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 1. The variance granted will apply only to the pool screen enclosure as depicted on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Tony Walter
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2006.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: